

ORDINANCE NO. 16151

**AN ORDINANCE ADOPTING AMENDMENTS TO THURSTON COUNTY CODE TITLE 20 CHAPTERS 20.03, 20.07, 20.30 AND 20.30A AND TO TITLE 23, CHAPTER 23.04 RELATED TO LOW IMPACT DEVELOPMENT REGULATIONS.**

**WHEREAS**, Thurston County is required to plan under Chapter 36.70A RCW, the Growth Management Act (GMA), which contains fourteen goals intended to guide development and adoption of comprehensive plans and development regulations, which relate to urban growth, rural development, reduced sprawl, transportation, housing, economic development, property rights, permits, natural resource industries, open space, recreation, the environment, citizen participation and coordination, public facilities and services, and historic preservation;

**WHEREAS**, Thurston County has performed professional review, provided public notice, and received public comment with respect to these development code amendments; and

**WHEREAS**, the GMA requires development regulations to demonstrate and uphold the concepts of internal consistency, conformity, and concurrency; and

**WHEREAS**, the development regulations, including the official zoning maps, in Thurston County adopted under GMA must be consistent with the Thurston County Comprehensive Plan and associated Joint Plans;

**WHEREAS**, Thurston County-wide Planning Policy 10.1 states that the County will recognize our dependence on natural systems and maintain a balance between human uses and the natural environment.; and

**WHEREAS**, pursuant to RCW 36.70A.130, development regulations shall be subject to continuing review and evaluation by the county; and

**WHEREAS**, this proposal is a board-initiated amendment and was included by the Board on the 2020-2021 Official Development Code Docket as Docket Item A-7; and

**WHEREAS**, the Board directed staff to conduct a targeted review of Low Impact Development regulations previously adopted in 2016 under Ordinance 15355 to correct specific issues identified by the public and development Services; and

**WHEREAS**, specifically, the Board asked that hard surface credits for lots 2.5 acres or less, lots needing long access driveways, and the Ken Lake Special Overlay District be further reviewed and addressed under this docket; and

**WHEREAS**, in addition to the scope of items approved for review by the Board, staff also identified an item that aligns with the intention of the scope. The additional change is to regulations

for Planned Rural and Planned Rural Residential Developments (PRD/PRRD) and modifies when hard surface limits are calculated, but does not change the overall hard surface requirement; and

**WHEREAS**, the Thurston County Planning Commission reviewed this proposal in two work sessions on October 6 and November 3, 2021; and

**WHEREAS**, the Thurston County Planning Commission held a public hearing on December 1, 2021 on the amendments to Low Impact Development in rural Thurston County and Olympia Urban Growth Area and following the public hearing made a unanimous (5-0, 2 absent, 2 vacant) recommendation of approval of the proposed amendments; and

**WHEREAS**, pursuant to RCW 36.70A.106, a notice of intent to adopt was sent to the Washington State Department of Commerce on November 5, 2021;

**WHEREAS**, pursuant to the State Environmental Policy Act (SEPA) and WAC 197-11, a non-project Determination of "Non-Significance" (DNS) was issued on December 21, 2021; and

**WHEREAS**, the Planning Commission's recommendation dated December 1, 2021 on the proposed code text amendments was received by the Board on February 3, 2022 at a regularly scheduled briefing and the Board directed staff to set a public hearing; and

**WHEREAS**, the Board held a public hearing with notice requirements consistent with the Thurston County Code and state law on April 19, 2022 to take public testimony on the proposed Low Impact Development regulations ordinance; and

**WHEREAS**, the Board agrees with the findings of the Thurston County Planning Commission and has determined that the amendments contained in this ordinance are consistent with the Thurston County Code (TCC) and other titles, chapters, and sections of the TCC; and

**WHEREAS**, the Board finds that the proposed amendments will improve consistency across the code and transparency for citizens of Thurston County; and

**WHEREAS**, the Board believes adopting the amendments is necessary for the preservation of the public health, safety, and general welfare of Thurston County residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, AS FOLLOWS:**

**SECTION 1. TITLE 20 ZONING.** The Thurston County Code, Chapters 20.03, 20.07, 20.30, and 20.30A are hereby amended as shown in Attachment A.

**SECTION 2. TITLE 23 OLYMPIA URBAN GROWTH AREA ZONING.** The Thurston County Code, Chapter 23.04 is hereby amended as shown in Attachment B.

**SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause, phrase or other portion of this Ordinance or its application to any person is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

**SECTION 4. CORRECTIONS.** Upon approval of the Prosecuting Attorney's Office, the Clerk of the Board is authorized to make any necessary corrections to any section, subsection, sentence, clause, phrase or other portion of this Ordinance for scriveners or clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect *immediately upon adoption*.


ADOPTED: April 19, 2022

ATTEST:

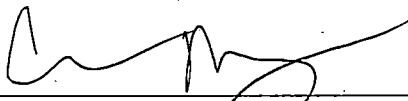
  
Clerk of the Board

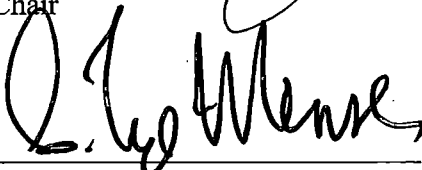
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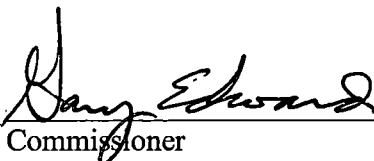
JON TUNHEIM  
PROSECUTING ATTORNEY

  
Travis Burns  
Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS  
Thurston County, Washington

  
Chair

  
Vice-Chair

 4-20-22  
Commissioner

**ATTACHMENT A:**  
**LOW IMPACT DEVELOPMENT ORDINANCE**  
**(Title 20)**

Deleted Text: ~~Strikethrough~~ / Changes: Underlined / Unaffected Omitted Text: (...)

- I. **Thurston County Code Chapter 20.03 TCC (STRUCTURE, INTERPRETATIONS AND DEFINITIONS) shall be amended for consistency with the Drainage Design and Erosion Control Manual to read as follows:**

...

20.03.040 – Definitions.

...

44.6 “Effective Impervious Surface” as defined in the Thurston County Drainage Design and Erosion Control Manual (DDECM).

...

53.5 “Full dispersion” means stormwater runoff dispersed in accordance with the Thurston County Drainage Design and Erosion Control Manual (DDECM).

...

62. "Hard surface" as defined in the Thurston County Drainage Design and Erosion Control Manual (DDECM) means an impervious surface, a permeable pavement, or a vegetated roof, in contrast with vegetated permeable soils.

...

68.2 “Impervious surface” as defined in the Thurston County Drainage Design and Erosion Control Manual (DDECM) means a non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

...

68.3 “Ineffective Impervious Surfaces” as defined in the Thurston County Drainage Design and Erosion Control Manual (DDECM).

...

102.5 “Pervious surface” as defined in the Thurston County Drainage Design and Erosion Control Manual (DDECM) means any surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

...

**II. Thurston County Code Chapter 20.07 TCC (LOT, YARD, USE AND STRUCTURE REGULATIONS) shall be amended to read as follows:**

...

**20.07.090 – Hard and Impervious Surface Limits.**

1. General standards. In addition to the hard surface coverage limits specified in this title, the following standards shall apply:
  - a. The total area of hard surfaces shall not include:
    - i. Access easements serving neighboring property and driveways to the extent that they extend beyond the street setback due to location within an access panhandle or due to the application of requirements to locate features over which the applicant does not have control.
    - ii. Ineffective impervious surfaces.
  - b. Pervious pavement surfaces may be calculated at seventy-five percent area for the purpose of calculating total hard surface area.
  - c. On any lot over two and one-half acres in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices.
  - d. Hard surfaces rendered nonconforming by the coverage limits of this title may be replaced within the existing footprint, and must comply with the Thurston County Drainage Design and Erosion Control Manual (DDECM) BMPs LID.01 – Native Vegetation Protection, Reforestation, and Maintenance; and LID.02 – Post-Construction Soil Quality and Depth, but may not be expanded.
  - e. The hard surface coverage area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a special use permit under Chapter 20.54.
2. General standards. In addition to the hard surface coverage limits specified in this title, the following standards shall apply

- a. Credits apply ~~only to lots two and one-half acres or larger~~ in the following zones: LTA, LTF, RR 1/5, RRR 1/5, R 1/10, R 1/20, UR 1/5, RL 1/2, RL 1/1, RL 2/1, R 3-6/1, R 4-16, MGSA.
- b. Hard surface coverage limits specified in this title may be increased by fifty percent under any one of the following circumstances:
  - i. Soils on the site allow for, and site design utilizes, full dispersion of stormwater runoff, done in accordance with the Thurston County DDECM, Chapter 15.05.
  - ii. A minimum of thirty percent of trees or native vegetation is retained on the site as shown in a landscape plan, as specified in Chapter 20.45. A maximum of twenty percent of this retained vegetation may be within a critical area or critical area buffer. Retained trees shall be recorded on a form provided by the department, the final plat, and in the abbreviated drainage plan as applicable.
  - iii. The development is a Planned Residential Development (PRD), TCC 20.30, or a Planned Rural Residential Development (PRRD), TCC 20.30A.
- ~~bc.~~ Hard surface coverage limits specified in this title may be increased by one hundred percent under the following circumstances:
  - i. A minimum of sixty-five percent of trees or native vegetation is retained on the site as shown in a landscape plan, as specified in Chapter 20.45. Retained trees shall be recorded on a form provided by the department, the final plat, and in the abbreviated drainage plan as applicable.
- ~~ed.~~ An additional one thousand square feet of hard surface area may be permitted above the coverage limit for each six thousand five hundred square feet of retained trees and native vegetation that are outside of any designated critical area or buffer. Retained trees shall meet the standards of Section 20.45.020 and be recorded on a form provided by the department, the final plat, and in the abbreviated drainage plan as applicable.
- ~~de.~~ An additional one thousand square feet of hard surface area may be permitted above the coverage limit for each three thousand two hundred fifty square feet of retained trees and native vegetation that are outside of but connected to any designated critical area or buffer. Retained trees shall meet the standards of Section 20.45.020 and shall be recorded on a form provided by the department, the final plat, and in the abbreviated drainage plan as applicable.
- ~~ef.~~ An additional one thousand square feet of hard surface area may be permitted above the coverage limit for each three thousand two hundred fifty square feet of trees and native vegetation that are replanted within any degraded riparian habitat area, as specified in Chapter 24.35, or wetland buffer, as specified in Chapter 24.30. A restoration plan must be prepared by a qualified biologist or other qualified professional, as specified in Chapter 24.35.310. At the time of planting, evergreen trees shall be at least four feet tall and deciduous trees shall be at least one and one-half-inch caliper. New plantings shall consist of tree species native and appropriate to the area and shall be planted between October to February. Restored areas and replanted trees shall be recorded on a form provided by the department, the final plat, and in the abbreviated drainage plan as applicable. The county may also

require that a watering, maintenance and monitoring plan be submitted to ensure their survival.

...

**III. Thurston County Code Chapter 20.30 TCC (PLANNED RESIDENTIAL DEVELOPMENT) shall be amended to read as follows:**

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20.30.050 – Development Standards.

The following standards shall govern the interpretation and administration of this section:

...

5. ~~Maximum Coverage. Individual lots within a PRD are exempt from building and hard surface coverage limits established for the underlying zone, however, the PRD as a whole, including streets, access ways and other paved surfaces~~  
Individual lots shall not exceed the percentage permitted by the underlying zone.

...

**IV. Thurston County Code Chapter 20.30A TCC (PLANNED RURAL RESIDENTIAL DEVELOPMENT (PRRD)) shall be amended to read as follows:**

20.30A.070 – Development Standards.

The following standards shall govern the interpretation and administration of this section:

...

3. ~~Maximum Coverage by Individual lots within a PRD are exempt from building and hard surface coverage limits established for the underlying zone, however, the PRD as a whole, including streets, access ways and other paved surfaces~~  
Individual lots shall not exceed the percentage permitted by the underlying zone.

...

**ATTACHMENT B:**

**LOW IMPACT DEVELOPMENT ORDINANCE**

**(Title 23)**

- I. **Thurston County Code Chapter 23.04 TCC (RESIDENTIAL DISTRICTS) shall be amended to read as follows:**

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23.04.080 – Residential districts' development standards.

The Table 4.04 identifies the basic standards for development in each residential district contained in this chapter. The sections referenced in Table 4.04 refer to the list of additional regulations below.

- A. Maximum Housing Densities.

...

**Table 4.04**  
**Residential Development Standards**

District	R-5	RLI 2—4	R4	R 4—8	R 6—12	MR 7—13	MR 10—18	RM-18	Additional Regulations
Maximum housing density (in units per acre)	½	4	4	8	12	24	30	24	23.04.080A
...									
Maximum hard surface	45% or 10,000 sf (whichever is less) 6% = lots 4 acres or more	2,500 SF provided that up to 6% coverage may be granted by conditional use permit	45% 70% = Townhouses	55% = 0.25 acre or less 50% = 0.26 acre or more 70% = Townhouses	65% = 0.25 acre or less 50% = 0.26 acres or more 70% = Townhouses	70%	70%	70%	

\* Properties in the Ken Lake Impervious Surface Overlay District shall follow the building coverage, hard surface coverage, and impervious surface limits of the R-5 zoning district (Section 23.04.085 TCC).

...

23.04.085 – Ken Lake Impervious Surface Overlay District.

- A. Purpose. The purpose of the Ken Lake Impervious Surface Overlay District is to lessen stormwater impacts to downstream properties from development.
- B. Map. The Ken Lake Overlay District Map shall include all lands depicted on the map named "Ken Lake Overlay District." A copy of this map shall be on file with the department. This shall indicate the boundaries of the overlay district. The



overlay district may also be depicted on the official zoning map in lieu of maintaining a separate map.

- C. Standards. The maximum building coverage, hard surface coverage, and impervious surface coverage limits shall be the same as the Residential One Unit per Five Acre (R-5) zoning district.

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